

AMENDED IN SENATE APRIL 14, 2011

SENATE BILL

No. 153

Introduced by Senator Strickland

February 2, 2011

An act to amend ~~Section~~ *Sections 3541 and 11564.5* of, and to add Section 11564.7 to, the Government Code, *to repeal Section 1147 of the Labor Code, to amend Section 401 of the Unemployment Insurance Code, and to amend Section 176 of the Water Code*, relating to state boards and commissions.

LEGISLATIVE COUNSEL'S DIGEST

SB 153, as amended, Strickland. State boards ~~and commissions:~~ salaries: ~~suspension.~~ *prohibition.*

Existing law provides for the payment of specified salaries to the members of various state boards ~~and commissions~~. A member of a state board ~~or commission~~ may receive a per diem salary at a specified rate, except for a member whose salary is set pursuant to ~~certain provisions of law~~ *specified laws*.

This bill would prohibit members appointed to specified state boards ~~and commissions~~ from receiving a salary ~~for the 2012-13, 2013-14, and 2014-15 fiscal years. This bill~~ *and* would authorize a member of a state board ~~or commission who is prohibited from receiving a salary under these provisions~~ *these state boards* to receive a specified per diem payment ~~during those fiscal years~~.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 3541 of the Government Code is amended*
2 *to read:*

3 3541. (a) There is in state government the Public Employment
4 Relations Board which shall be independent of any state agency
5 and shall consist of five members. The members of the board shall
6 be appointed by the Governor by and with the advice and consent
7 of the Senate. One of the original members shall be chosen for a
8 term of one year, one for a term of three years, and one for a term
9 of five years. The first term for the two new members of the board
10 resulting from the expansion of the board to five members shall
11 be reduced by the Governor as necessary so that the term of only
12 one member of the board shall expire in any given year. Thereafter,
13 terms shall be for a period of five years, except that any person
14 chosen to fill a vacancy shall be appointed only for the unexpired
15 term of the member whom he or she succeeds. Members of the
16 board shall be eligible for reappointment. The Governor shall select
17 one member to serve as chairperson. A member of the board may
18 be removed by the Governor upon notice and hearing for neglect
19 of duty or malfeasance in office, but for no other cause.

20 (b) A vacancy in the board shall not impair the right of the
21 remaining members to exercise all the powers of the commission,
22 and three members of the board shall at all times constitute a
23 quorum.

24 (c) The board may delegate its powers to any group of three or
25 more board members. Nothing shall preclude any board member
26 from participating in any case pending before the board.

27 (d) Members of the board shall hold no other public office in
28 the state, and shall not receive any other compensation for services
29 rendered.

30 ~~(e) Each member of the board shall receive the salary provided~~
31 ~~for by Chapter 6 (commencing with Section 11550) of Part 1 of~~
32 ~~Division 3 of Title 2. In addition to his or her salary, each member~~
33 of the board shall be reimbursed for all actual and necessary
34 expenses incurred by him or her in the performance of his or her
35 duties, subject to the rules of the Department of Personnel
36 Administration relative to the payment of these expenses to state
37 officers generally.

(f) The board shall appoint an executive director who shall be the chief administrative officer. The executive director shall appoint other persons that may, from time to time, be deemed necessary for the performance of the board's administrative functions, prescribe their duties, fix their compensation, and provide for reimbursement of their expenses in the amounts made available therefor by appropriation. The executive director shall be a person familiar with employer-employee relations. The executive director shall be subject to removal at the pleasure of the board. The Governor shall appoint a general counsel, upon the recommendation of the board, to assist the board in the performance of its functions under this chapter. The general counsel shall serve at the pleasure of the board.

(g) The executive director and general counsel serving the board on December 31, 1977, shall become employees of the Public Employment Relations Board and shall continue to serve at the discretion of the board. A person so employed may, independently of the Attorney General, represent the board in any litigation or other matter pending in a court of law to which the board is a party or in which it is otherwise interested.

(h) The Governor shall appoint one legal adviser for each member of the board upon the recommendation of that board member. Each appointee shall serve at the pleasure of the recommending board member and shall receive a salary as shall be fixed by the board with the approval of the Department of Personnel Administration.

(i) Attorneys serving the board on May 19, 1978, shall not be appointed as legal advisers to board members pursuant to subdivision (h) until the time that they have attained permanent civil service status.

(j) Notwithstanding subdivision (a), the member of the board appointed by the Governor for the term beginning on January 1, 1991, shall not be subject to the advice and consent of the Senate.

SECTION 1.

SEC. 2. Section 11564.5 of the Government Code is amended to read:

11564.5. (a) Notwithstanding any other law, whenever a member of a board, commission, committee, or similarly constituted body created by executive order or statute, is authorized to receive a per diem salary or allowance in excess of expenses

1 incurred by the member, that rate shall be established at one
2 hundred dollars (\$100) per day unless a higher rate is provided by
3 statute.

4 (b) Except as provided in Section 11564.7, this section shall not
5 apply to those boards or commissions provided an annual salary
6 in this chapter, nor to the board specified in Section 1150 of the
7 Harbors and Navigation Code.

8 ~~SEC. 2.~~

9 *SEC. 3.* Section 11564.7 is added to the Government Code, to
10 read:

11 11564.7. (a) Notwithstanding any other law, members
12 appointed to the following entities shall receive no salary for the
13 ~~2012–13, 2013–14, and 2014–15 fiscal years:~~

14 ~~(1) The Agricultural Labor Relations Board.~~

15 ~~(2) The Alcoholic Beverage Control Appeals Board.~~

16 ~~(3) The California Gambling Control Commission.~~

17 ~~(4) The California Medical Assistance Commission.~~

18 ~~(5) The California Unemployment Insurance Appeals Board.~~

19 ~~(6) The Occupational Safety and Health Appeals Board.~~

20 ~~(7) The Public Employment Relations Board.~~

21 ~~(8) The State Air Resources Board.~~

22 ~~(9) The State Personnel Board.~~

23 ~~(10) The State Water Resources Control Board.~~

24 ~~(11) The Workers' Compensation Appeals Board. salary:~~

25 ~~(1) The Agricultural Labor Relations Board.~~

26 ~~(2) The California Unemployment Insurance Appeals Board.~~

27 ~~(3) The Public Employment Relations Board.~~

28 ~~(4) The State Water Resources Control Board.~~

29 (b) An individual described in this section may receive a per
30 diem payment determined pursuant to Section 11564.5 for the
31 period described in subdivision (a).

32 (c) This section shall not apply to employees of the entities
33 described in paragraphs (1) to (11), inclusive, of subdivision (a).

34 *SEC. 4.* *Section 1147 of the Labor Code is repealed.*

35 ~~1147. Each member of the board shall receive the salary~~
36 ~~provided for by Chapter 6 (commencing with Section 11550) of~~
37 ~~Part 1 of Division 3 of Title 2 of the Government Code.~~

38 *SEC. 5.* *Section 401 of the Unemployment Insurance Code is*
39 *amended to read:*

401. There is in the department an Appeals Division consisting of the California Unemployment Insurance Appeals Board and its employees. The appeals board consists of seven members. Five members shall be appointed by the Governor, subject to the approval of the Senate. One member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate Rules Committee. Two of the members of the appeals board shall be attorneys at law admitted to practice in the State of California. The other members need not be attorneys. Each member of the board shall devote his full time to the performance of his duties. ~~The chairman and each member of the board shall receive the annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.~~ The Governor shall designate the chairman of the appeals board from the membership of the appeals board. The person so designated shall hold the office of chairman at the pleasure of the Governor. The chairman shall designate a member of the appeals board to act as chairman in his absence.

SEC. 6. Section 176 of the Water Code is amended to read:

176. ~~The annual salary of the members of the board is provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.~~ Each member of the board shall receive the necessary traveling and other expenses incurred by him in the performance of his official duties out of appropriations made for the support of the board. When necessary the members of the board may travel within or without the ~~State~~ state.